

Assembly Bill No. 2488

Passed the Assembly May 6, 2010

Chief Clerk of the Assembly

Passed the Senate June 24, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 81305, 81337, 81422, 81460, 81608.5, and 81630 of, and to add Section 81423 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2488, Ruskin. City and County of San Francisco: regional water system.

(1) Under existing law, the City and County of San Francisco operates the Hetch Hetchy Project as a regional water delivery system, supplying water to persons and entities in San Francisco and the Counties of Alameda, San Mateo, and Santa Clara.

Existing law, the San Francisco Bay Area Regional Water System Financing Authority Act, establishes the San Francisco Bay Area Regional Water System Financing Authority and authorizes the authority to issue revenue bonds and take other actions to improve the reliability of the regional water system of the City and County of San Francisco. Existing law, the Bay Area Water Supply and Conservation Agency Act, governs the formation and operation of the Bay Area Water Supply and Conservation Agency. The act authorizes the agency to acquire water and water rights, and take other specified actions relating to the regional water system of the City and County of San Francisco.

This bill would modify the definitions of “public entities” and “eligible public entities,” as specified, and the reference to “master water sales contract,” as set forth in the acts, to reflect changes in the membership of the authority and agency and a recent water supply agreement, dated July 2009, between the City and County of San Francisco and certain wholesale customers.

(2) Existing law authorizes the agency to apply for and receive specified financial assistance.

This bill would clarify the types of financial assistance available to the agency. The bill would also authorize the agency to assist specified entities to meet specified urban water use targets and, if requested by specified entities, to develop and administer a regional conservation program. The bill would also consider the agency to be a local agency for purposes of specified law.

(3) Existing law authorizes any director of the agency to call for weighted voting, which is required to be based on specified water delivery quantities.

This bill would require an entity's water delivery quantity to be increased for purposes of weighted voting when specified circumstances occur, without the necessity of an amendment to the water delivery quantities.

(4) Existing law requires directors of the agency and the authority to take an oath of office.

This bill would authorize specified persons to administer the oath.

The people of the State of California do enact as follows:

SECTION 1. Section 81305 of the Water Code is amended to read:

81305. "Eligible public entities" means the 24 public entities in San Mateo County, Alameda County, and Santa Clara County that purchase water from San Francisco pursuant to the July 2009 Water Supply Agreement, or any subsequent water supply contract, that include Alameda County Water District, City of Brisbane, City of Burlingame, Coastside County Water District, City of Daly City, City of East Palo Alto, Estero Municipal Improvement District, Guadalupe Valley Municipal Improvement District, City of Hayward, Town of Hillsborough, City of Menlo Park, Mid-Peninsula Water District, City of Millbrae, City of Milpitas, City of Mountain View, North Coast County Water District, City of Palo Alto, Purissima Hills Water District, City of Redwood City, City of San Bruno, City of San Jose, City of Santa Clara, City of Sunnyvale, and Westborough Water District.

SEC. 2. Section 81337 of the Water Code is amended to read:

81337. Each director, before entering upon the duties of his or her office, shall take the oath of office as provided for in the California Constitution and laws of the state. The chairperson or vice chairperson of the board, or the secretary of the agency, may administer the oath.

SEC. 3. Section 81422 of the Water Code is amended to read:

81422. The agency may apply for and receive state and federal grants, loans, and other financial assistance, including, but not limited to, assistance available pursuant to Division 24

(commencing with Section 78500), Division 26 (commencing with Section 79000), and Division 26.5 (commencing with Section 79500) of this code, Division 43 (commencing with Section 75001) of the Public Resources Code, and any other financial assistance for water management activities authorized after January 1, 2009.

SEC. 4. Section 81423 is added to the Water Code, to read:

81423. (a) The agency may assist any of the entities identified in Section 81460 that are subject to Part 2.55 (commencing with Section 10608) of Division 6 to meet urban water use targets developed pursuant to that part. In providing this assistance, the agency may act pursuant to paragraph (2) or (3) of subdivision (a) of Section 10608.28. If the agency provides this assistance pursuant to paragraph (2) of subdivision (a) of Section 10608.28, subdivision (b) of Section 10608.28 shall apply.

(b) If requested by entities listed in Section 81460 that are subject to Part 2.6 (commencing with Section 10610) of Division 6, the agency may develop and administer a regional conservation program described in clause (ii) of subparagraph (A) of paragraph (2) of subdivision (b) of Section 10631.5, regardless of whether the agency is an urban water supplier. The agency shall be eligible to receive financial assistance that may be available for the development or administration of these programs.

(c) The agency shall be considered a local agency as defined in Section 10535, and a local agency with statutory authority over water supply or water management pursuant to Section 10539, with all of the authority provided to a local agency pursuant to Part 2.2 (commencing with Section 10530) of Division 6.

SEC. 5. Section 81460 of the Water Code is amended to read:

81460. (a) The water delivery quantities set forth in subdivision (b) describe, for the purposes of this division, the average daily deliveries of water from San Francisco to the identified entities during the 2000–01 fiscal year.

(b) The water delivery quantities are as follows:

Name	Average Daily Deliveries in Hundred Cubic Feet
Alameda County Water District	15,709
California Water Service Company	49,610
City of Brisbane	489
City of Burlingame	6,503
City of Daly City	6,070
City of East Palo Alto	2,864
City of Hayward	24,546
Town of Hillsborough	5,099
City of Menlo Park	4,616
City of Millbrae	3,669
City of Milpitas	9,437
City of Mountain View	14,860
City of Palo Alto	18,438
City of Redwood City	15,753
City of San Bruno	3,266
City of San Jose	6,436
City of Santa Clara	5,473
City of Sunnyvale	13,112
Coastside County Water District	2,070

Estero	7,873
Municipal	
Improvement	
District	
Guadalupe	611
Valley	
Municipal	
Improvement	
District	
Mid-Peninsula	4,789
Water District	
North Coast	4,594
County Water	
District	
Purissima Hills	2,921
Water District	
Stanford	3,604
University	
Westborough	1,352
Water District	

(c) If San Francisco becomes a member of the agency, the average daily delivery of water to San Francisco during the 2000–01 fiscal year, for the purposes of this division, shall be determined to be 118,973 hundred cubic feet.

(d) If one of the entities listed in subdivision (b) succeeds, whether by merger, consolidation, acquisition, assignment, or otherwise, to the rights and obligations of another entity under the July 2009 Water Supply Agreement, or any subsequent water supply contract, the successor entity's quantity of water shall be increased, for purposes of Section 81405, by the amount of the nonsucceeding entity's quantity of water, without the necessity for an amendment to subdivision (b).

SEC. 6. Section 81608.5 of the Water Code is amended to read:

81608.5. "Public entities" means San Francisco and the public entities in the Counties of Alameda, San Mateo, and Santa Clara that purchase water from San Francisco pursuant to the July 2009 Water Supply Agreement, or any subsequent water supply contract, that include Alameda County Water District, City of Brisbane, City of Burlingame, Coastside County Water District, City of Daly

City, City of East Palo Alto, Estero Municipal Improvement District, Guadalupe Valley Municipal Improvement District, City of Hayward, Town of Hillsborough, City of Menlo Park, Mid-Peninsula Water District, City of Millbrae, City of Milpitas, City of Mountain View, North Coast County Water District, City of Palo Alto, Purissima Hills Water District, City of Redwood City, City of San Bruno, City of San Jose, City of Santa Clara, City of Sunnyvale, and Westborough Water District.

SEC. 7. Section 81630 of the Water Code is amended to read:

81630. Each director, before entering upon the duties of his or her office, shall take the oath of office as provided for in the Constitution and laws of the state. The chairperson or vice chairperson of the board, or the secretary of the agency, may administer the oath.

Approved _____, 2010

Governor